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10/774,057	02/06/2004	Douglas F. Reynolds	1033-LB1013	4820

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EXAMINER
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BEZUAYEHU, SOLOMON G

ART UNIT	PAPER NUMBER
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2614

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07/08/2011

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/774,057	<b>Applicant(s)</b> REYNOLDS ET AL.	
	<b>Examiner</b> SOLOMON BEZUAYEHU	<b>Art Unit</b> 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 15 April 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7, 11, 14-18, 20-25 and 28-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 11, 14-18, 20-25, 28-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

DETAILED ACTION

***Response to Amendment***

1. Applicant's arguments filed with respect to claims 1-7, 11, 14-18, 20-25, 28-35 have been fully considered but they are moot in view of the new ground(s) of rejection. The rejections are necessitated due to claim amendments.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6, 7, and 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "substantially" renders the claim indefinite since the ordinary skilled in the art would not know how substantially it is.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. Claims 1-2, 4, and 28-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tesink et al. (Pub. No. US 20040225733), and further in view of Sravanapudi et al. (Patent No. US 7418086).

Regarding claims 1 and 28, Tesink teaches about receiving an indicator (multicast request) indicating that a notification message is to be delivered to a plurality of recipients [Para. 31, 34, receiving notification event]; identifying (retrieving) contact information associated with each of the plurality of recipients [Para. 31, retrieving list of recipients information]; initiating outbound packetized calls to more than one of the plurality of recipients [Para. 31, 32]; Determining whether a first recipient of the plurality of recipients answer a first call associated with the outbound packetized call, the first call placed to a first telephone address included in the contact information associated with the first recipient [Para. 32, 31, 30, 37, fig. 2A and related description; its clear that the telephone call is answered, when the message is delivered to the called party]; in response to determining that the first recipient answered the first call, connecting the first call to a multicast server (agent 122, see fig. 2A) to deliver the message/notification during the first call via the multicast agent/notification system [Para. 23, 31 and 32; calling the participants by call processor and deliver the message the notification processor; its clear that the called party is connected to the agent (server) before the message is delivered]; Tesink also teaches delivering a notification message via email [fig. 6, unit 614 and related description].

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However, Tesink doesn't explicitly teaches delivering a notification via email, in response to determining that the message recipient didn't answer the first call,

Sravanapudi et al. (Patent No. US 7418086) teaches delivering a notification message (e-business alert message) to the consumers through email, in response to determining that the consumers didn't answer the call [Col. 10, lines 33-38, lines 61-67, Col. 29, line 51-Col. 30, line 17],

Therefore, to provide a method of Tesink that delivers a notification message through email in response to the message recipient not answering a telephone call, would have been obvious to one of ordinary skill in the art, in view of the teachings of Sravanapudi, since all the claimed elements were known in the prior art and one skilled in the art could have combined/modified the elements as claimed by known methods with no change in their respective functions, and the combination/modification would have yielded nothing more than predictable results to one of ordinary skill in the art at the time of the invention.

Regarding claim 2, Tesink teaches about disconnecting from the first call and indicating successful delivery of the notification message to the first recipient [Para. 33, and 47].

Regarding claim 4, Tesink teaches about maintaining a master list of users [Para. 4, 25, and 26]; in response to receiving the indicator, determining a call list that indentifies the contact information associated with each of the plurality of recipients [Para. 9, 15, 18, 26, 29, 43, 44, fig. 4, 8 and related description].

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Regarding claims 29-32, Teskink teaches about delivering a message to wireless subscriber [Para. 18],

However, Tesink doesn't explicitly teaches delivering a notification via wireless telephone, in response to determining that the message recipient didn't answer the first call,

Sravanapudi teaches delivering a notification message (e-business alert message) to the consumers through email, in response to determining that the consumers didn't answer the call [Col. 10, lines 33-38, lines 61-67, Col. 29, line 51-Col. 30, line 17],

It would have been obvious to one of ordinary skill in the art, at the time of this invention was made, to modify Tesink to deliver the message via wireless/mobile phone in response to the recipient not answering the first call, feature as taught by Sravanapudi; because the modification enable the subscriber to receive the notification regardless of his physical location.

7. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tesink et al. (Pub. No. US 20040225733), in view of Sravanapudi et al. (Patent No. US 7418086) and further in view of Kvache et al. (Patent No. US 7499529).

Regarding claim 34, Tesink in view of Sravanapudi doesn't explicit about time period that the message is valid,

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However, Kvache teaches about a time period that the message is valid [Col. 4, line 63-Col. 5, line 10],

It would have been obvious to one of ordinary skill in the art, at the time of this invention was made, to modify Tesink and Sravanapudi to set time period when the when the message is valid, feature as taught by Kvache; because the modification provide notifications of certain messages, including message attachments, to a receiving party without requiring that the receiving party have any special-purpose device with non-voice oriented capabilities.

8. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tesink et al. (Pub. No. US 20040225733), in view of Sravanapudi et al. (Patent No. US 7418086) and, further Tsumpes (Patent No. US 6643355).

Regarding claim 33, teskink in view of Sravanapudi doesn't explicitly teach initiating a call and an email message simultaneously,

However, Tsumpes teaches about initiating a call and an email message simultaneously [Claim 30 and related embodiment],

It would have been obvious to one of ordinary skill in the art, at the time of this invention was made, to modify Tesink and Sravanapudi to initiate a call and email simultaneously, feature as taught by Tsumpes; because the modification provide notifications of certain messages, including message

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attachments, to a receiving party without requiring that the receiving party have any special-purpose device with non-voice oriented capabilities.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tesink et al. (Pub. No. US 20040225733), in view of Sravanapudi et al. (Patent No. US 7418086) and in further view of Lee (Pub. NO. US 20110096918).

Regarding claim 3, Tesink teaches about communicating a specialized incoming call signal (ring pattern) to the customer premises equipment [Para. 29];

However, Tesink in view of Sravanapudi does not explicitly teach about recognizing that the customer premise equipment ring tone functionality,

Lee teaches querying/determining the capability of the remote telephone and contacting the telephone with unique/special ringtone [Para. 54, 65],

It would have been obvious to one of ordinary skill in the art, at the time of this invention was made, to further modify Tesink and Sravanapudi to recognize ring capability of the end device, feature as taught by Leer; because the modification enable service provider reduce load on the network by eliminating unnecessary transmission of special ring-tone signal to a device that is not capable of receiving.



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10. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tesink et al. (Pub. No. US 20040225733), in view of Sravanapudi et al. (Patent No. US 7418086) and further in view of Archer (Pub. No. US 20040125931).

Regarding claim 5, Teskink teaches about making an outgoing call [Para. 31 and 32],

However, Teskink in view of Sravanapudi doesn't explicitly teach that the call is a VoIP call,

Archer teaches about making a phone call over the internet (VoIP call) [Para. 11, 15, 29, 43 and 44],

It would have been obvious to one of ordinary skill in the art, at the time of this invention was made, to modify Teskink, and Sravanapudi to make a Voip call, feature as taught by Archer; because the modification enable service providers to provide service with cheaper monthly payment.

Regarding claim 6, Teskink teaches initiating an outbound packetized call substantially simultaneously [Para. 21, 23].

Regarding claim 7, Teskink teaches initiating the outbound packetized calls to a first group of the plurality of recipients substantially simultaneously, wherein the VoIP switch is associated with a simultaneous connections limit, wherein the first group of the plurality of recipients comprises a number of recipients less than a threshold value of the simultaneous connections limit

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[Para. 24, 25]. Teskink teaches everything except that the threshold as being 75%, however, it only takes the ordinary skilled in the art that the time of the invention was made to set the threshold level to 75%.

11. Claims 11, 14, 15, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tesink et al. (Pub. No. US 20040225733), and further in view of Sravanapudi et al. (Patent No. US 7418086).

Regarding claim 11, Tesink teaches a memory (database) storing a plurality of subscribers to be notified in response to a first notification signal, the plurality of subscribers comprising a first subscriber and contact information associated with the first subscriber, the contact information associated with the first subscriber comprising telephone number and electronic mail address [Para. 4, 52, 6, 25, 26; VoIP telephone number is a telephone number]; a network interface operable to receive the first notification signal (multicast request) and output a trigger signal (call) in response to receipt of the first notification signal [Para. 20, 22, and 23]; a first notification message associated with the first notification signal to be provided to the plurality of subscribers [Para. 30, 31]; a switch (call processor) responsive to the trigger signal and operable to: support a plurality of simultaneous connections [Para. 23 and 21]; and initiate communication (calls) to a first group of subscribers of the plurality of subscribers, the call is placed to the first subscriber at the telephone number [Para. 23, 21, 31- 33]; a notification received mechanism operable to determine whether the first subscriber answered the call placed to the first subscriber [Para. 32, 31, 30, fig. 2A and related description; its clear that the telephone call is answered,

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when the message is delivered to the called party]; and the multicast server (agent) operable to when the first subscriber answered the call, deliver the first notification message via the call [Para. 30-32; its clear that when the delivery is successful, the message is delivered after the call is being answered]; and also, sending a notification message via email address associated with message recipients [Para. 50-54],

However, Tesink doesn't explicitly teaches delivering a notification via email, in response to determining that the message recipient didn't answer the VoIP call,

Sravanapudi et al. (Patent No. US 7418086) teaches delivering a notification message (e-business alert message) to the consumers through email, in response to determining that the consumers didn't answer VoIP call [Col. 10, lines 33-38, lines 61-67, Col. 29, line 51-Col. 30, line 17; Col. 4, lines 23-26 teaches that the network is an internet network and Col. 10, lines 30-40 teaches delivering the voice alert to a telephone over an internet network],

Therefore, to provide a method of Tesink that delivers a notification message through email in response to the message recipient not answering a VoIP telephone call, would have been obvious to one of ordinary skill in the art, in view of the teachings of Sravanapudi, since all the claimed elements were known in the prior art and one skilled in the art could have combined/modified the elements as claimed by known methods with no change in their respective functions, and the combination/modification would have yielded nothing more than predictable results to one of ordinary skill in the art at the time of the invention.

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Regarding claim 14 and 15, Teskink teaches about notification list comprising the first group of subscribers to be notified in response to the first notification signal (first wave) and a second group of subscribers of the plurality of subscribers to be notified in response to a second notification signal (second wave), and wherein the network interface is further operable to receive the second notification signal, and output a second trigger signal in response to receipt of the second notification signal [Para. 32, 48, claim 22].

Regarding claim 17, Teskink teaches about a call log engine operable to track a metric associated with delivery of the first notification message to each subscriber of the first group of subscribers (maintaining the delivery status of the collection of subscribers) and initiate a retry signal directing the switch to retry the first user via the telephone number when the first subscriber didn't answer the voice over internet protocol [See fig. 3, Step. 310, 308 and 25,33; "have all recipients in the specified recipient list been contacted?" when the answer is "no" go to "configure the call processor to deliver the message to a set of Recipients in the recipient list again"].

Regarding claim 18, Teskink teaches about a specialized ring tone signal (special ring pattern signal) communicated to customer premise equipment operable to play a specialized ring tone, the specialized ring tone signal identifying an incoming call associated with the first notification message [Para. 29, 45; fig. 3 and related description].

Regarding claim 20, Teskink teaches about the contact information further comprising of an Multimedia message service (SMS) address [Para. 55, 56, 50-4, 6, 41, 43, and fig. 6].

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12. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tesink et al. (Pub. No. US 20040225733), in view of Sravanapudi et al. (Patent No. US 7418086) and in further view of Rohman et al. (Pub. NO. US 20050086685).

Regarding claim 16, Tesink in view of Sravanapudi doesn't explicitly teach about Emergency alert signal protocol,

However, Rohman teaches about using emergency alert system protocol provide emergency alert message over the internet [Para. 24, 26, 28, 30],

It would have been obvious to one of ordinary skill in the art, at the time of this invention was made, to modify Tesink, and Sravanapudi to use Emergency Alert system protocol to deliver a notification message, feature as taught by Rohman; because the modification enable the subscriber to reduce cost by alerting user's over the internet.

### ***Allowable Subject Matter***

13. Claims 21-25 and 35 are allowed over cited prior art. Claim 21 is allowed for the following reasons:

"associating the notification list with an event trigger", "Saving file representing a notification message associated with the event trigger", "when the first call is answered, passing the first call to an internet protocol multicast server" and "when the first call is not answered: retrying the first recipient via a second Voice over Internet Protocol

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telephone number that is different from the first voice over internet protocol telephone number; and initiating, an email message to an electronic email address associated with the first recipient, wherein the email message includes the notification message.”

Remark; Examiner interpreted “retrying” and “Email initiating” steps to be performed simultaneously and “Passing the first call to multicast server” to means transferring the first call to a multicast server.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In

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no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SOLOMON BEZUAYEHU whose telephone number is (571)270-7452. The examiner can normally be reached on Monday through Friday 9 a.m-4 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, FAN TSANG can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SOLOMON BEZUAYEHU/

Examiner, Art Unit 2614

/Fan Tsang/

Supervisory Patent Examiner, Art Unit 2614